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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**Originating Case:** *After II Movie LLC., et al., v. Grande Communications Networks LLC*, No. 1:21-cv-709 (W.D.TX)

In re Subpoena to:

Reddit, Inc.

Case No.: 3:23-mc-80173-LB  
Hearing Date: n/a  
Time: n/a

# OPPOSITION TO NON-PARTY REDDIT'S ADMINISTRATIVE MOTION

## **OPPOSITION TO NON-PARTY REDDIT'S ADMINISTRATIVE MOTION**

Voltage Holdings, LLC (“Voltage”), Screen Media Ventures, LLC (“SMV”), Killing Link Distribution, LLC (“Killing Link”), Family of the Year Productions, LLC (“Family of the Year”) and Laundry Films, Inc. (“Laundry”) (collectively, “Movants”), by and through their counsel, pursuant to Civ. L.R. 7.11(b), file their Opposition to the Administrative Motion of non-party REDDIT, INC. (“Reddit”) for a determination that a miscellaneous action recently filed in this District, *In re Subpoena to Reddit, Inc.*, No. 3:24-mc-80005-TSH (N.D. Cal.) is related to the above-captioned **closed** matter in which the underlying case *After II Movie LLC., et al., v. Grande*

1     *Communications Networks LLC*, No. 1:21-cv-709 (W.D.TX) is also closed. As explained below,  
 2     Reddit's motion should be denied because the parties are different, the subject matter of the  
 3     subpoenas are different and the underlying cases are different (and in different districts).

4     **I. INTRODUCTION**

5     1.     In this closed matter, Plaintiffs in the underlying case *After II Movie LLC., et al., v. Grande*  
 6     *Communications Networks LLC*, No. 1:21-cv-709 (“*Grande*”) motion for an order compelling  
 7     Reddit to comply with a subpoena to produce identification information for certain subscribers.  
 8     See Doc. #1, ¶10 (subpoena requested: “... account information including IP address registration  
 9     and logs from 1/1/2016 to present, name, email address and other account registration information  
 10     for users...”). The underlying case *Grande* sought to hold the Internet service provider (“ISP”)  
 11     *Grande* secondarily liable for its subscribers’ copyright infringement of Plaintiffs’ movies and  
 12     violations of the integrity of copyright management information (“CMI”) in the movies. On July  
 13     29, 2023, Your Honor denied the motion. See Doc. #21, p5 (“...disclosure of anonymous users’  
 14     identities is appropriate only “in the exceptional case where the compelling need for the discovery  
 15     sought outweighs the First Amendment rights of the anonymous speaker””). On Oct. 30, 2023,  
 16     the Western District of Texas issued an order closing the underlying case. See Ex. “1”.

17     2.     In *In re Subpoena to Reddit, Inc.*, No. 3:24-mc-80005-TSH (N.D. Cal.) (the “latter case”),  
 18     different parties (Voltage, SMV, Killing Link, Family of the Year and Laundry)<sup>1</sup> moved for and  
 19     Order in this Court compelling Reddit to comply with a subpoena issued in a Bankruptcy Action *In*  
 20     *re: Frontier Commc'n Corp.*, Case No. 20-22476-MG (“*Frontier*”) in the Bankruptcy Court of  
 21     the Southern District of New York. These different parties are among claimants in a declared  
 22     contested proceeding that filed proofs of claims seeking to hold not *Grande*, but a different ISP

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 28     <sup>1</sup> Killing Link, Family of the Year and Laundry filed a notice of joinder to the motion on 1/19/2024

1 Frontier secondarily liable for its subscribers' copyright infringements and violations of the  
 2 integrity of CMI. Further, the subpoena at issue in the latter case does not request any information  
 3 pertaining to the Reddit users commenting on Grande that were at issue in this closed case, does  
 4 not request user identities (name, email address and other account registration information for  
 5 users as requested in this case with Your Honor quashed) but merely IP address log information  
 6 of different Reddit users commenting on Frontier.  
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8 3. In the latter case, Judge Hixson already issued two orders on Jan. 10, 2024 pertaining to the  
 9 motion to enforce the Frontier subpoena. Judge Hixson's second order states that "the bankruptcy  
 10 court has already issued opinions related to the subject matter of the subpoena. Given the  
 11 bankruptcy court's familiarity with this case, the Court finds transfer to that court may be  
 12 appropriate" and requesting Reddit to state whether it consents to transfer to the Southern District  
 13 of New York Bankruptcy Court. *See In re Subpoena to Reddit, Inc.*, No. 3:24-mc-80005-TSH  
 14 (N.D. Cal.), Doc. #5. Reddit filed a response on Jan. 17, 2024 that fails to appreciate that Bankruptcy  
 15 Courts have nationwide jurisdiction.  
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17 **II. ARGUMENT**

18 ***A. The latter case before Judge Hixson involves substantially different parties and property.***

19 4. In the latter case, the Movants include Killing Link, Family of the Year and Laundry, three  
 20 entities that are not parties to the present closed case. The opposing parties in the underlying cases  
 21 for the latter case (Frontier) and the present closed case (Grande) are different. Further, the property  
 22 (movies) of Killing Link, Family of the Year and Laundry were not at issue in this closed case.  
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24 ***B. The latter case before Judge Hixson involves a substantially different transaction or event.***

25 5. In this closed case, the Movants requested identification information for certain Reddit's  
 26 users who made comments about Grande. However, in the latter case before Judge Hixson, the  
 27 Movants are not requesting identification information, but merely IP address log information from  
 28

1 Reddit for *different* users who commented about Frontier. Accordingly, the transaction or event  
 2 (subpoena) is different.

3 ***C. There will not be an unduly burdensome duplication of labor or expense because Judge***  
 4 ***Hixson has already issued orders in the latter case.***

5 6. As discussed above, there will be no duplication of legal analysis because the subpoena of  
 6 the latter case does not request identification information for Reddit users or even any information  
 7 for the Reddit users of the subpoena at issue in the present closed case. Nonetheless, assuming  
 8 *arguendo* that there is some overlap, Judge Hixson has already issued two orders, one denying  
 9 Movants' request for an expedited briefing schedule and the second finding that transfer to the  
 10 Southern District of New York Bankruptcy Court is appropriate. *See In re Subpoena to Reddit,*  
 11 *Inc.*, No. 3:24-mc-80005-TSH (N.D. Cal.), Docs. ##4-5. As Judge Hixson has already analyzed  
 12 the briefing and reviewed an order from the underlying case in the Bankruptcy Court, there is no  
 13 burdensome duplication of labor. Indeed, there would be a burden if Reddit's motion was granted  
 14 because Your Honor would have to duplicate Judge Hixson's labor in reviewing the Movants'  
 15 brief and the Bankruptcy Court Order.

16 ***D. There will not be conflicting results if Judge Hixson decides the motion.***

17 7. Because the subpoena at issue in the latter case does not request Reddit user identification  
 18 information or any information for the Reddit users at issue in this closed case, Your Honor's  
 19 order that First Amendment rights outweighed the disclosure of anonymous users' identities at  
 20 issue in this case is not applicable. That is, *if* Judge Hixson was to grant an order in the latter case  
 21 compelling Reddit to comply with the subpoena and disclose IP address information, such an  
 22 Order would not involve disclosure of the subscribers' identities or disclosure of any information  
 23 for the Reddit users in this closed case. Thus, there is no likelihood of conflicting results.

24 ***E. Civil L.R. 3-12 does not apply to miscellaneous cases.***

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8. Civil L.R. 3-12 reflects the reasonable policy that civil actions filed in this district on the same subject matter between the same parties should not be decided by different judges. This policy is not applicable to the present situation where in the present closed case and the latter case, movants seek to enforce compliance with different Rule 45 subpoenas in different underlying cases. Notably, movants in the latter case are not seeking to enforce another subpoena for the same information again. Thus, the present situation is completely different from that set forth in Civil L.R. 3-12 which is applicable to civil actions. Indeed, Civil L.R. 3-12(g) sets forth the process for rescheduling the case management conference for a reassigned case. But there are no case management conferences for miscellaneous actions that merely seek to enforce compliance with subpoenas issued in a different district. Accordingly, Civil L.R. 3-12 is not applicable to miscellaneous cases involving different subpoenas.

### III. CONCLUSION

9. This closed action and the latter action involve substantially different parties and substantially different subpoenas. There will be no duplication of labor because Judge Hixson has already issued rulings based upon the motion to compel. Further, there is no likelihood of conflicting results because the subpoena in the latter case does not request identification information. Accordingly, Movants pray that this Court deny Reddit's administrative motion.

DATED: Kailua Kona, Hawaii, Jan. 20, 2024.

Respectfully submitted,

## CULPEPPER IP, LLC

/s/ *Kerry S. Culpepper*  
Kerry S. Culpepper  
Attorney for Plaintiffs  
Admitted *Pro Hac Vice*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was filed via ECF and therefore served to parties on the NEF list.

The undersigned hereby further certifies that he lodged with Judges Hixson (via below address) and Beeler (via [lbpo@cand.uscourts.gov](mailto:lbpo@cand.uscourts.gov)) a true and correct copy of the foregoing.

Judge Thomas S. Hixson

San Francisco Courthouse, Courtroom E – 15th Floor  
450 Golden Gate Avenue, San Francisco, CA 94102

DATED: Kailua Kona, Hawaii, Jan. 20, 2024

Respectfully submitted,

## CULPEPPER IP, LLC

/s/ Kerry S. Culpepper  
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